

1 Kenneth A. Gallo (*pro hac vice*)
 2 Paul D. Brachman (*pro hac vice*)
2 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
 3 2001 K Street, NW
 4 Washington, DC 20006-1047
 Telephone: (202) 223-7300
 Facsimile: (202) 204-7420
 Email: kgallo@paulweiss.com
 Email: pbrachman@paulweiss.com

6 *Attorneys for Defendant and Counter-Claimant,*
Intuitive Surgical, Inc.

7 **MCCAULLEY LAW GROUP LLC**
 8 Joshua V. Van Hoven, (CSB No. 261815)
 E-Mail: josh@mccauleylawgroup.com
 9 3001Bishop Dr., Suite 300
 10 San Ramon, California 94583
 Telephone: 925.302.5941

11 Richard T. McCaulley (*pro hac vice*)
 12 E-Mail: richard@mccauleylawgroup.com
 13 180 N. Wabash Avenue, Suite 601
 Chicago, Illinois 60601
 14 Telephone: 312.330.8105

15 *Attorneys for Plaintiff and Counter-Defendant,*
Surgical Instrument Service Company, Inc.

16 [Additional counsel listed on signature page]

17 **UNITED STATES DISTRICT COURT**
 18
NORTHERN DISTRICT OF CALIFORNIA
 19
SAN FRANCISCO DIVISION

21 SURGICAL INSTRUMENT SERVICE
 22 COMPANY, INC.,

23 *Plaintiff/Counter-Defendant,*
 v.
 24 INTUITIVE SURGICAL, INC.,
 25 *Defendant/Counter-Claimant.*

Case No. 3:21-cv-03496-AMO

JOINT PROPOSED VOIR DIRE

Date: November 25, 2024

Time: 11:00 a.m.

Courtroom: 10

The Honorable Araceli Martínez-Olguín

1 Pursuant to the Court's Schedule and Pretrial Order of June 11, 2024, Dkt. 235, Plaintiff
2 Surgical Instrument Service Company, Inc., and Defendant Intuitive Surgical, Inc. hereby
3 provide their joint proposed voir dire questions. Pursuant to Section II.A.4. of the Court's
4 Schedule and Pretrial Order of June 11, 2024, the Parties have supplemented this joint proposed
5 voir dire by filing separate requests.

6 **JOINT PROPOSED VOIR DIRE**

7 1. I am going to read a brief description of this lawsuit. [READ THE JOINT
8 SIMPLIFIED STATEMENT OF THE CASE].

9 a. Have any of you read or heard anything about this case from any source
10 before today, or have any knowledge of this case? If so, what have you seen, read, heard, or
11 discussed? Where did you see, read, hear or discuss this case and with whom?

12 b. What opinions have you formed based on what you have seen, read, or
13 heard about this case? How will your opinions impact your views in this case?

14 c. Is there anything you have heard about this case that makes you concerned
15 you might not be able to decide it fairly and neutrally?

16 **Preliminary Questions**

17 2. Do any of you know any member of my staff on any basis, social, professional or
18 otherwise?

19 3. What types of things do you do in your free time?

20 a. Any hobbies or recreational activities?

21 b. Are you a member in civil, social, fraternal, union or professional
22 organizations?

23 c. Do you hold or have you held any appointed or elected offices in
24 government?

25 d. From what sources do you get your news?

26 4. When you purchase or receive a new electronic device or appliance, do you
27 usually begin using the product without reading the instructions?

28 5. How long have you owned your personal car?

1 6. Do you feel that an individual or a company suing has a legitimate case because
2 they have filed a lawsuit and now there is a trial? If so, will that influence you as a prospective
3 juror in this case?

4 7. Do you feel there are too many, too few, or just about the right number of
5 lawsuits?

6 8. Do you have any opinions for or against using lawsuits and the court system to
7 enforce the laws regulating competitive business practices?

8 **WITH THE UPCOMING QUESTIONS, IF THERE ARE ANY MATTERS
9 WHICH YOU WOULD RATHER DISCUSS PRIVATELY THAT MAY AFFECT YOUR
10 ABILITY TO BE A FAIR AND IMPARTIAL JUROR, PLEASE LET THE COURT
11 KNOW.**

12 9. Can you read, write, speak, and understand the English language?

13 10. Do any of you have any experience with robotic surgery, considered robotic or
14 laparoscopic surgery, or have a pending procedure scheduled?

15 **Corporations and Business Practices**

16 11. Who here agrees with the phrase “all is fair in business”? Tell us a little about
17 that.

18 12. Do you have strong positive or negative views of corporations or corporate
19 America?

20 **Concluding Questions**

21 13. I will instruct you on the law at the conclusion of the case. If selected as a juror,
22 you will take an oath to follow the law. Do any of you think you would have trouble following
23 the law as given to you, even if you may disagree with it?

24 14. Is there anything that has occurred to any of you, or are there any facts that you
25 think we should know that might have a bearing on your judgment in this case?

26 15. Who here has any opinions whatsoever about this case? What are your opinions?

27 16. Is there anything else you think we may want to know about your background,
28 experience or opinions that could influence you as a juror in a case involving robotic surgical
equipment and business practices in that industry?

1 Dated: October 28, 2024

2 By: /s/ Kenneth A. Gallo
Kenneth A. Gallo3 Kenneth A. Gallo (*pro hac vice*)
4 Paul D. Brachman (*pro hac vice*)
5 **PAUL, WEISS, RIFKIND, WHARTON &**
6 **GARRISON LLP**
7 2001 K Street, NW
8 Washington, DC 20006-1047
Telephone: (202) 223-7300
Facsimile: (202) 204-7420
Email: kgallo@paulweiss.com
Email: pbrachman@paulweiss.com9 William B. Michael (*pro hac vice*)
10 Crystal L. Parker (*pro hac vice*)
11 Daniel A. Crane (*pro hac vice*)
12 **PAUL, WEISS, RIFKIND, WHARTON &**
13 **GARRISON LLP**
14 1285 Avenue of the Americas
15 New York, NY 10019-6064
16 Telephone: (212) 373-3000
17 Facsimile: (212) 757-3990
18 Email: wmichael@paulweiss.com
19 Email: cparker@paulweiss.com
20 Email: dcrane@paulweiss.com21 Joshua Hill Jr. (SBN 250842)
22 **PAUL, WEISS, RIFKIND, WHARTON &**
23 **GARRISON LLP**
24 535 Mission Street, 24th Floor
25 San Francisco, CA 94105
Telephone: (628) 432-5100
Facsimile: (628) 232-3101
Email: jhill@paulweiss.com26 Sonya D. Winner (SBN 200348)
27 **COVINGTON & BURLINGTON LLP**
28 415 Mission Street, Suite 5400
San Francisco, California 94105-2533
Telephone: (415) 591-6000
Facsimile: (415) 591-6091
Email: swinner@cov.com26 Kathryn E. Cahoy (SBN 298777)
27 **COVINGTON & BURLINGTON LLP**
28 3000 El Camino Real

5 Palo Alto Square, 10th Floor
Palo Alto, California 94306-2112
Telephone: (650) 632-4700
Facsimile: (650) 632-4800
Email: kcahoy@cov.com

Andrew Lazerow (*pro hac vice*)
COVINGTON & BURLINGTON LLP
One City Center 850 Tenth Street NW
Washington DC 20001-4956
Telephone: (202) 662-6000
Facsimile: (202) 662-6291
Email: alazerow@cov.com

Allen Ruby (SBN 47109)
ALLEN RUBY, ATTORNEY AT LAW
15559 Union Ave. #138
Los Gatos, California 95032
Telephone: (408) 477-9690
Email: allen@allenruby.com

Attorneys for Defendant
Intuitive Surgical, Inc.

Dated: October 28, 2024

By: /s/ Richard T. McCaulley
Richard T. McCaulley

Richard T. McCaulley (*pro hac vice*)
MCCAULLEY LAW GROUP LLC
E-Mail: 180 N. Wabash Avenue, Suite 601
Chicago, Illinois 60601
Telephone: (312) 330-8105
richard@mccaulleylawgroup.com

Joshua V. Van Hoven (CSB No. 262815)
3001 Bishop Dr., Suite 300
San Ramon, California 94583
Telephone: (925) 302-5941
E-Mail: josh@mccauleylawgroup.com

Attorneys for Plaintiff Surgical Instrument Service Company, Inc.

E-Filing Attestation

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

Dated: October 28, 2024

By: */s/ Kenneth A. Gallo*
Kenneth A. Gallo